

*The Sac and Fox Nation Realty Department would like to express our deepest condolences in the loss of your family member.*

*In losing a loved one, there is so much business to take care of. We have assembled this folder to provide you some resources and information to begin the probate process when you are ready.*

*Although the Sac and Fox Realty Department only helps with trust land/trust assets, we are more than willing to offer any assistance we can.*

*The following pages contain information you will need for starting a probate with this office for Trust Assets as well as provide some contact information for other matters you may need to take care of.*

## *Sac and Fox Nation Realty*

### *Probate of Trust Assets*



If your loved one owned trust land or had an IIM account, the Sac and Fox Nation Realty Department will need to do a probate.

We feel it is necessary to give you a brief description of what trust land and an IIM account are as well as the definition of probate.

**Trust lands** are those lands held in trust by the United States for individual Indians and tribes. Most individual trust lands are lands that were allotted to individual members of each tribe in the 1800's. Around the 1890's each Sac and Fox member was given around 160 acres each stretching north to south from the Cimarron River in Payne County to the North Canadian River in Pottawatomie County in Oklahoma.

**IIM Account** stands for Individual Indian Monies. Any income received from trust land must flow through an IIM account. For example, those lands that are leased for agricultural purposes receive rentals on a yearly basis in most cases. The rental is received and paid to the landowner's IIM account.

### **What is a probate?**

Probate is defined legally as "the court process by which a Will is proved valid or invalid."

More specifically, when a person dies, their estate must go through probate which is a process overseen by a probate court. In the case of trust estates, the Office of Hearings and Appeals is the "probate court".

This is where the process gets a little overwhelming as so many factors contribute to the process for probating Trust Assets. The main thing to keep in mind is that aside from a form and specific documents, there is very little you are further required to do.



### WHAT DO YOU NEED TO DO?

Since your loved one owned an interest in land supervised by this office, a probate of their trust estate will have to be accomplished through this office. We will assemble a probate package to be submitted to the Office of Hearings and Appeals. The Office of Hearings and Appeals will assign the probate package to an Administrative Law Judge who will then assign a case number and upon review, set a hearing date.

Part of the probate packaged submitted by the Sac and Fox Nation is information and documents that you will need to provide as required by the Office of Hearings and Appeals. In this regard, within this folder is an Affidavit of Family History that will need to be completed and signed before a Notary Public. All information needs to be completed as much as possible. In addition to the Family History Affidavit, we also ask that you provide the following documents:

- 1) Marriages licenses and divorce decrees
- 2) Adoptions (to or from the family) papers
- 3) Last will & testament if the decedent made one original or certified copy; (we need **the original or a certified copy**)
- 4) Birth Certificates for \_\_\_\_\_

We strongly encourage you to complete as much of the Family Data Affidavit as possible.

Should you have any questions, or need additional information, please feel free to contact this office at (918) 968-3526 ext. 1053. We are more than willing to answer any questions or help you in any way that we can.



Once the Administrative Law Judge feels all evidence is provided, a hearing date will be set by their office. You will receive a Notice of Hearing directly from the Office of Hearings and Appeals.

The Office of Hearings and Appeals is usually very accommodating with regard to location of the hearing. You are not required to be there, however most family members want to participate.

After all testimony is received and the evidence is received into record, then the Administrative Law Judge will work toward issuing the appropriate "Order".

### **If there is a Will**

The Administrative Law Judge will first determine the heirs and the assets and then approve the will and issue an Order Approving Will and Decree of Distribution.

### **If there is not a Will**

The Administrative Law Judge will determine the heirs and the assets. They will then apply the appropriate law and issue an Order Determining Heirs and Decree of Distribution.

If your loved one died on or after June 20, 2006, their estate will be distributed in accordance with the American Indian Probate Reform Act of 2004. On the following pages you will find AIPRA Fact Sheet #1, charts that show how your loved one's assets will be distributed in accordance with AIPRA, and a chart of applicable laws. Should you be interested in the other AIPRA Fact sheets introduced on Fact Sheet #1, contact our office and we can get them for you. You will also find the telephone a contact sheet for various office.

If your loved one died prior to this date, the applicable state law will be used by the Administrative Law Judge to distribute their estate.



### **Office of the Special Trustee**

This is the office you will need to contact with any questions regarding IIM Accounts

888-678-6836

### **Sac and Fox Nation Realty**

This is the office you will need to contact with any questions regarding the probate until it goes to the Administrative Law Judge

920883 S. Hwy 99, Bldg. A  
Stroud, OK 74079  
(918) 968-3526, ext 1053  
(800) 259-3970



*Sac and Fox Nation Realty*  
*Non-Trust Probates*





If your loved one owned cars, had bank accounts, owned a home within the city limits of a town, etc., then you will need to seek legal advice on the best way to handle their affairs.

Sometimes an individual will identify a person with their bank to be able to handle their account should something happen to them.

If your loved one was paying on a home with the Sac and Fox Housing Authority, they will need to be contacted specifically. Usually they require a person to take over payments and be responsible should the homebuyer pass away.

For those circumstances in which the only way the title or accounts can be addressed is by probate, you will need to do a probate through a County Court for these non-trust assets. This process requires a lawyer. Unfortunately, we do not have much information past that.

The following pages contain contact information for the various office you may need to contact.



## Native American Legal Resource Center (OILS)

2501 N. Blackwelder - Sarkey's Suite 209

Oklahoma City, OK 73106

PH: (405) 208-5017

FX: (405) 208-5185

## Housing Authority of the Sac and Fox Nation

201 N. Harrison

Shawnee, OK 74801

PH: (405) 275-8700

800-831-7515 *toll free*

## Lincoln County

### Court Clerk

811 Manvel Ave #9

Chandler, OK 74834

PH: (405) 258-1309

### Tax Assessor

811 Manvel Ave #7

Chandler, OK 74834

PH: (405) 258-1209

### County Clerk

811 Manvel Ave # 5

Chandler, OK 74834

PH: (405) 258-1264





## Payne County

### Court Clerk

606 S Husband St  
Stillwater, OK 74074  
PH: (405) 372-4774

### Tax Assessor

315 W 6th Ave #102  
Stillwater, OK 74074  
PH: (405) 747-8300

### County Clerk

315 W 6th Ave #202  
Stillwater, OK 74074  
PH: (405) 747-8310



## Pottawatomie County

### Court Clerk

325 N. Broadway Ave  
Shawnee, OK 74801  
PH: (405) 273-3624

### Tax Assessor

325 N. Broadway Ave  
Shawnee, OK 74801  
PH: (405) 275-4740

### County Clerk

P.O. BOX 576  
Shawnee, OK 74802  
PH: (405) 273-8222



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